

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ADELE GLENN, Independent
Administrator of the Estate of Ivan L.
Lester, Deceased,**

Plaintiff,

v.

**COVENANT CARE MIDWEST, INC.,
d/b/a CEDAR RIDGE HEALTHCARE
CENTER, and COVENANT CARE
MIDWEST, INC.,**

Defendants.

Cause No. 06-CV-234-WDS

ORDER

STIEHL, District Judge:

Before the Court is defendants' motion to dismiss for want of prosecution, or in the alternative, to amend the scheduling order and continue the trial date. (Doc. 12). Defendants allege that plaintiff has been uncooperative in responding to written discovery and scheduling depositions. The Court **FINDS** defendants' allegations insufficient to merit dismissal of the case for want of prosecution. The parties are directed to attempt to settle discovery disputes among themselves. If that proves impossible, either party may enter a motion to compel discovery pursuant to Federal Rules of Civil Procedure Rule 37.

Defendants' motion is **DENIED** in part and **GRANTED** in part. Defendants' motion to dismiss for want of prosecution is **DENIED**. Defendants' motion to amend the scheduling order is **GRANTED**. Defendants' motion to continue the trial date is **DENIED**. The magistrate judge is **DIRECTED** to enter a new scheduling order; however, the final pretrial conference set before

Judge Stiehl shall remain scheduled for September 17, 2007, at 11:00 a.m., and the presumptive trial month shall remain October 2007.

IT IS SO ORDERED.

DATED: October 18, 2006.

s/ WILLIAM D. STIEHL
DISTRICT JUDGE